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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,275

08/22/2006

Keiji Endo

295210US0PCT

6009

22850

7590

10/20/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
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EXAMINER

LEE, JAE W

ART UNIT

PAPER NUMBER

1656

NOTIFICATION DATE

DELIVERY MODE

10/20/2010

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10590275	8/22/2006	ENDO ET AL.	295210US0PCT

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**EXAMINER**

JAE W. LEE

ART UNIT	PAPER
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1656	20101014
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DATE MAILED:

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**Commissioner for Patents**

The IDS filed on 10/12/2010 has been considered by the Examiner since it meets the criteria as set forth under 37 CFR 1.97. It is noted that although Qi et al. (Localization of a Second SigH Promoter in the Bacillus subtilis sigA Operon and Regulation of dnaE Expression by the Promoter, Journal of Bacteriology, Vol. 172, No. 10, October 1990, pp. 5631-5636, see IDS) teach promoter P4 which controls the expression of SigA during sporulation stage, there is no teaching or suggestion for inserting P4 into a region of 1 to 198 bp upstream of the polynucleotide encoding sigA. Therefore, the claimed invention is novel and unobvious over the prior art references disclosed in the IDS filed on 10/12/2010.

/SUZANNE M. NOAKES/  
Primary Examiner, Art Unit 1656